

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference BW40F	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/IT2004/000643	International filing date (day/month/year) 23/11/2004	(Earliest) Priority Date (day/month/year) 03/12/2003
Applicant MICRO TECH S.R.L.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 A61F13/36

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 A61F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 203 767 A (CLOYD ET AL) 20 April 1993 (1993-04-20) column 2, line 51 - column 3, line 4	1,6,7
Y		10
Y	US 5 074 840 A (YOON ET AL) 24 December 1991 (1991-12-24) column 3, line 61 - line 65	10
A	US 5 447 499 A (ALLAIRE ET AL) 5 September 1995 (1995-09-05) the whole document	1
Y	US 5 310 407 A (CASALE ET AL) 10 May 1994 (1994-05-10) cited in the application column 3, line 44 - line 46	10
	----- -/--	

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*Z\* document member of the same patent family

Date of the actual completion of the international search

13 April 2005

Date of mailing of the international search report

21/04/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Hamann, J

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 3 698 393 A (CHARLES E. STONE) 17 October 1972 (1972-10-17) the whole document -----	10
Y	US 6 191 341 B1 (SHIPPERT RONALD D) 20 February 2001 (2001-02-20) column 8, line 24 - line 27 -----	10
Y	US 2003/073969 A1 (KLAINER PETER S) 17 April 2003 (2003-04-17) figure 2 -----	10

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IT2004/000643

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5203767	A	20-04-1993	NONE	
US 5074840	A	24-12-1991	AT 173912 T	15-12-1998
			AU 689397 B2	26-03-1998
			AU 1002597 A	27-02-1997
			AU 699523 B2	03-12-1998
			AU 5286298 A	21-05-1998
			AU 672722 B2	10-10-1996
			AU 7762894 A	12-01-1995
			AU 667787 B2	04-04-1996
			AU 7762994 A	12-01-1995
			AU 676383 B2	06-03-1997
			AU 7763094 A	12-01-1995
			AU 651843 B2	04-08-1994
			AU 8445191 A	18-02-1992
			CA 2088070 A1	25-01-1992
			DE 69130567 D1	14-01-1999
			DE 69130567 T2	12-05-1999
			EP 0540682 A1	12-05-1993
			ES 2125238 T3	01-03-1999
			JP 5509024 T	16-12-1993
			KR 9604969 B1	18-04-1996
			US 5451204 A	19-09-1995
			US 6277089 B1	21-08-2001
			WO 9201433 A1	06-02-1992
			US 5827215 A	27-10-1998
			US 6248088 B1	19-06-2001
			US 5484426 A	16-01-1996
			US 5392787 A	28-02-1995
			US 5514085 A	07-05-1996
			US 5439457 A	08-08-1995
			US 5556376 A	17-09-1996
			US 5407423 A	18-04-1995
			US 5599292 A	04-02-1997
			US 5649902 A	22-07-1997
			US 5755724 A	26-05-1998
			US 5733252 A	31-03-1998
			US 5374261 A	20-12-1994
			US 5700239 A	23-12-1997
			US 5843017 A	01-12-1998
			US 2001025155 A1	27-09-2001
			US 5836953 A	17-11-1998
US 5447499	A	05-09-1995	AU 651286 B1	14-07-1994
			CA 2109981 A1	24-06-1994
			EP 0604101 A1	29-06-1994
			JP 6233810 A	23-08-1994
			NZ 250214 A	26-10-1995
			ZA 9308595 A	05-08-1994
US 5310407	A	10-05-1994	NONE	
US 3698393	A	17-10-1972	NONE	
US 6191341	B1	20-02-2001	AU 3648999 A	08-11-1999
			WO 9953879 A1	28-10-1999
US 2003073969	A1	17-04-2003	NONE	

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/IT2004/000643

International filing date (day/month/year)  
23.11.2004

Priority date (day/month/year)  
03.12.2003

International Patent Classification (IPC) or both national classification and IPC  
A61F13/36

Applicant  
MICRO TECH S.R.L.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Hamann, J

Telephone No. +49 89 2399-7046



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IT2004/000643

---

**Box No. I Basis of the opinion**

---

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IT2004/000643

---

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

---

1. Statement

Novelty (N)	Yes: Claims	2-5,7-12
	No: Claims	1,6
Inventive step (IS)	Yes: Claims	2-5,8,9,11,12
	No: Claims	1,6,7,10
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

**see separate sheet**

Re Item V.

- 1 Reference is made to the following documents:  
D1 : US 5,203,767 A (CLOYD ET AL) 20 April 1993 (1993-04-20)  
D2 : US 3,698,393 A (CHARLES E. STONE) 17 October 1972 (1972-10-17)  
D3 : US 5,310,407 A (CASALE ET AL) 10 May 1994 (1994-05-10)
- 2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claims 1 and 6** is **not new** in the sense of Article 33(2) PCT.  
Document **D1** discloses an endoscopic surgery device according to these claims with:  
absorbing plug: gauze peanut 22  
tubular body: trocar 16  
plunger: forceps 38  
radio-opaque location means: tether 24, column 2, lines 51-54  
gripping means: jaws of forceps 38  
The forceps 38 is suitable for pushing the gauze peanut 22 outside of the trocar and for gripping the tether 24.
- 3 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of **claims 7 and 10** does **not involve an inventive step** in the sense of Article 33(3)PCT:
  - 3.1 Providing the trocar 16 of document **D1** with ring type handle means, and thereby arriving at the subject-matter of **claim 7**, is just a design option.
  - 3.2 The subject-matter of independent **claim 10** differs from the disclosure of **D2** (or most of the other documents cited in the International Search Report) only in that the absorbing plug has haemostatic properties. An absorbing plug with haemostatic properties, however, is known from document **D3** (see column 3, lines 44-46).